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(12)

SINGLE BENCH

CF/2002

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH

AT BILASPUR

W.P.S. No. 4855 /2006

PETITIONERS : 1) Durga Ram Sahu, S/o Shri Makhan Ram Sahu, aged about 42 years, R/o Ward No. 9, Ganjpura, Bemetara Distt. – Durg.

2) Smt. Sawita Tiwari, D/o Shri N L Tiwari, Model Primary School, Dewarbija.

3) Raj Kumar Jaiswal, S/o Shri Punu Ram Jaiswal, Primary School Tenduva.

4) Domra Ram Sahu, S/o Shri Sude Ram Sahu, Govt. Primary School, Mahi Dahi.

5) Chintaram Bhuar, S/o Manohar Lal Bhuar, Govt. Pre Middle School, Kodva, P.O. Mohbhatta.

6) Thekram Thakur, S/o Shri G S Thakur, Govt. Pre Middle School, Kodva, P.O. Mohbhatta.

7) Prakash Chand Verma, S/o Shri D S Verma, Govt. Primary School, Prsbhor.

8) Rafi Mohd. Qureshi, S/o Nabi Mohd. Qureshi, Primary School, Bendarchuva.

9) Janardan Prasad Tiwari, S/o Higher Secondary School, Parpodi.

10) Ashok Kumar Dubey, S/o Dwarika Prasad Dubey,

P.R. No. 48781.6
Presented by Shri Anubech Pandey
dated 21.9.06

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(13)

Children Primary School, Parpodi.

11) Bisoha Ram Chedeha, S/o Shri Ganesh Ram Chedeha, Pre Middle School, Chechanmeta.

12) Kushel Dewnagan, S/o Shri Jagdish Dewnagan, Suman Pre Middle School, Dewarbija

VERSUS

RESPONDENTS : 1) State of Chhattisgarh through the Secretary, School Education Dept., D.K.S. Bhavan, Raipur (CG)

2) Distt. Education Officer, Distt. Durg

WRIT PETITION UNDER ARTICLE 226 & 227 OF THE CONSTITUTION OF INDIA

The humble petitioners abovenamed most respectfully begs to submit that:

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HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 4855 of 2006

Petitioners : Durga Ram Sahu & others

-Versus-

Respondents : State of Chhattisgarh & another

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: *Shri P. S. Koshy, Advocate for the petitioners.*
Shri V. V. S. Murthy, Deputy Advocate General for the respondents.

ORDER

(Passed on this 8th day of March, 2007)

1. The petitioners were appointed as Assistant Teacher on fixed pay of Rs. 150/- in the year 1982. After completion of two year's probation, they were granted regular pay scale.
2. Learned counsel appearing for the petitioners submits that the issue involved in the case is asto whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

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4. Learned counsel appearing for the petitioners further submits that this Court, while considering the same issue in W. P. (s) 5976 of 2006 (Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others), which was allowed vide order dated 7th November, 2006, has granted regular pay scale w.e.f. the date of initial appointment.
5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari (Supra).
6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur